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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,027	08/02/2006	Juergen Schorn	028987.56655US	9212
23122	7590	01/28/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER PHILLIPS, FORREST M	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 01/28/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/588,027	SCHORN ET AL.	
	Examiner	Art Unit	
	FORREST M. PHILLIPS	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/02/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 7, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Marocco (US2004050618).

With respect to claim 7 Marocco discloses a double flow exhaust system for an internal combustion engine, comprising:

Exhaust carrying pipes (532a and 532b in figure 16), at least one muffler and catalyst housing, and a separate end muffler for each exhaust line (refer to figure 8 for illustration of the exhaust pathway, see separate end mufflers 528a and 528b in figure 16), wherein the separate end mufflers are fluidically connected by at least one mountable connection pipe (530 in figure 16).

With respect to claim 10 Marocco further discloses wherein a second connection pipe is provided between the separate end mufflers (refer to figure 16, connecting pipes 530).

With respect to claim 12 Marocco further discloses wherein a catalyst is provided for each exhaust line, and is partially integrated or received in an end muffler housing (see figure 17 for internal components, see figure 16 for other limitations, refer also to abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco (US2004050618) in view of DE 20115656 (herein after DE'656).

With respect to claims 8 and 13 Marocco discloses the double flow exhaust system according to claim 7.

Marocco fails to disclose wherein the connection pipe is a T-pipe piece on which connecting pieces are connectable with the separate end muffler and a third connecting piece is usable as a discharge for exhaust gases to outside the engine.

DE '656 discloses an double flow exhaust system (see figure 1) wherein a connection pipe is a T-pipe piece on which connecting pieces are connectable with separate mufflers and a third connecting piece is usable as a discharge for exhaust gases to outside the engine(inlets 12a and 12b in figure 1, single outlet at 20 in figure 1.

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The mufflers are effectively separate given that the paths do not connect prior to the connecting pipe, and that the center is closed off from one to the other sides, refer to figure 3).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of DE '656 to have a single outlet following separate mufflers with the double flow exhaust system of Marocco.

The motivation for doing so would have been to allow for the balancing of exhaust pulses from the engine into the exhaust outlet to optimize the exhaust flow.

With respect to claims 9 and 14 Marocco as modified further discloses wherein a tail pipe cover is mountable on the third connecting pipe. As the third pipe as taught by DE '656 is a tail pipe, as it is after the mufflers, and is shown as a standard pipe, that is to say a circular pipe, a tail pipe cover would be mountable on the pipe, tail pipe covers are well known in the art.

With respect to claim 15 Marocco further discloses wherein a second connection pipe is provided between the separate end mufflers (refer to figure 16, connecting pipes 530).

3. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marocco (US2004050618) in view of DE 20115656 (herein after DE'656) as applied to claims 10 and 15 above, and further in view of Nording (US5907134).

With respect to claims 11 and 16 Marocco as modified discloses a double flow exhaust system according to claims 10 and 15 wherein the second connecting pipe has

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connecting pieces connected with a respective housing of the separate end mufflers (refer to the fact that the pipe 530 is connected to each housing).

Marocco as modified fails to disclose wherein the ends of the connecting pieces are aligned and coverable by a joint sliding sleeve.

Nording discloses, an exhaust pipe, comprising connecting pieces that are aligned and coverable by a joint sliding sleeve (16 in figure 1).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Nording to use a joint sliding sleeve connection with the second connecting pipe of Marocco as modified to provide a sealed joint that allows for thermal expansion and misalignment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FORREST M. PHILLIPS whose telephone number is (571)272-9020. The examiner can normally be reached on Monday through Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 5712722227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. M. P./
Examiner, Art Unit 2837

/Jeffrey Donels/
Primary Examiner, Art Unit 2837